

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 12, 2004

D042979 People v. Villanueva

The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D041314 Davidson v. Pryor et al.

The judgment is reversed in part with directions to the trial court to enter a new judgment declaring Davidson is entitled to the declaratory relief sought in his first cause of action, the balance of the judgment is affirmed. County shall bear all costs. Huffman, Acting P.J.; Aaron, J., Irion, J.

D044480 Lodge At Torrey Pines Partnership v. San Diego Superior Court/Jones

The petition is denied.

D042099 People v. Davis

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Huffman, J.

D042200 Agosta v. Astor et al.

We reverse the judgment and direct the trial court to enter an order granting Astor's summary adjudication motion only as to the cause of action for breach of the implied covenant of good faith and fair dealing (fourth cause of action) and denying it as to the cause of action based on the misrepresentation (first, second and third causes of action). We award Agosta costs on appeal. CERTIFIED FOR PUBLICATION. McConnell, P.J.; We Concur: Huffman, J., McIntyre, J.

D040613 In re Marriage of Russell

The order is affirmed. Costs on appeal are awarded to Ahearn. McConnell, P.J.; We Concur: McIntyre, J., Aaron, J.

D042445 Kilgore v. Rancho Carlsbad Partners

The orders are affirmed. The parties shall bear their own costs on appeal. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

D043054 In re Tamekia J., a Juvenile

The juvenile court order placing Tamekia on probation is affirmed as modified. McDonald, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D044351 In re Thompson on Habeas Corpus

The petition is denied.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Patricia Benke and Richard Huffman
Clerk: D.E. Moore

D042494 In re Kenyell D., a Juvenile

Cause called on merits. Joanna McKim, Esq. argued for appellant. Arlene Sevidal, Deputy Attorney General argued for respondent. Ms. McKim replied. Cause submitted.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 12, 2004 (Continued)

Court recessed at 9:11 a.m. to change panel members. New panel members: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Richard Huffman and Judith Haller

D042385 Building Industry Association of San Diego County et al. v. State Water Resources Control Board et al.

Cause called on merits. David L. Mulliken, Esq. argued for appellant. Paul N. Singarella, Esq. was present in oral argument for appellant, but did not argue. James Patrick Lough, Esq. was present in oral argument for the City of Coronado, but did not argue. Ronald Ball, Esq. was present in oral argument for the City of Carlsbad, but did not argue. Carol A. Squire, Deputy Attorney General argued for the respondent, State Water Resources Control Board. David Beckman, Esq. argued for intervenor-respondent, Natural Resources Defense Council. Anjali Jaiswal, Esq. was present in oral argument with Mr. Beckman, but did not argue. Mr. Mulliken replied. Cause submitted.

D044064 Luis G. v. Superior Court

Matter called on merits. Christopher R. Booth, Esq. argued for petitioner. Gary Seiser, Deputy County Counsel argued for real party in interest. Mr. Booth replied. Matter submitted.

Court recessed at 10:45 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron
Clerk: D.E. Moore

D041152 People v. Leon

Cause called on merits. Laura Shaffer, Esq. argued for appellant. Jeffrey J. Koch, Deputy Attorney General argued for respondent. Ms. Shaffer replied. Cause submitted.

D042083 Clubb v. Board of Retirement of the San Diego County Employees' Retirement System

Cause called on merits. Edward L. Faunce, Esq. argued for appellant. Steven P. Rice, Esq. argued for respondent. Mr. Faunce replied. Cause submitted.

D042683 Jimenez-Aldama et al. v. Tau Kappa Epsilon Fraternity, Inc., et al.

Cause called on merits. William David Shapiro, Esq. argued for appellant. Lisa Bridgman, Esq. argued for respondent. Mr. Shapiro replied. Cause submitted.

Court recessed at 2:23 p.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron

D041547 Gregg et al. v. Baker & McKenzie

Cause called on merits. David A. Niddrie, Esq. argued for appellant. Charles A. Bird, Esq. argued for respondent. Mr. Niddrie replied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 12, 2004 (Continued)

Court recessed at 3:25 p.m. to change panel members. New panel members: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D038854 Morgano v. Hank Sybrandy, Inc., et al.

Cause called on merits. Richard C. Wildman, Esq. argued for appellant. Matthew J. Liedle, Esq. argued for respondent. Mr. Wildman replied. Cause submitted.

Court recessed at 3:40 p.m. until Tuesday, July 14, 2004 at 9 a.m.

D042756 Magnuson v. Escondido Charter High School District et al.

Summary judgment affirmed. Costs are awarded to respondent. Huffman, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D044646 Wheeler et al. v. Superior Court of San Diego County/United Parcel Service, Inc., et al.

The petition is denied.

D044054 G.O. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Haller, J.; We Concur: McConnell, P., Nares, J.

D043728 In re M.S.S. et al., Juveniles

The judgments are affirmed. Haller, J.; We Concur: McConnell, J., Huffman, J.

D042257 People v. Rider

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Irion, J.

D040517 Kilgore et al. v. Rancho Carlsbad Partners et al.

The judgment is affirmed. Defendants are entitled to costs on appeal. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

D042287 People v. Tanner

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D043195 People v. Threat

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

D044528 Bridgewater v. Superior Court of Imperial County/People

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 12, 2004 (Continued)

D044610 Meals v. The Superior Court of San Diego County/The People

The petition is denied.

D043131 People v. Williams

The judgment is affirmed. McIntyre, J.; We Concur: Aaron, J., Irion, J.

D043102 In re David M., a Juvenile

The judgment is affirmed. Benke, Acting P.J., McIntyre, J., Aaron, J.

D042451 People v. El-Amin

The judgment is affirmed. O'Rourke, Acting P.J.; We Concur: Aaron, J., Irion, J.

D042796 People v. Gamlin, Jr.

The petition for rehearing is granted to allow the court the opportunity to consider appellant's in pro. per. brief. The case is deemed submitted as of this date.

D043030 Elliot v. California State Personnel Board/Board Of Trustees Of California State University

The judgment denying Elliot's petition for writ of mandate is reversed. The matter is remanded to the superior court with directions to vacate the judgment and enter a new judgment granting the petition and remanding the matter to the Board for further proceedings on the unredacted notice of discipline. Elliot is to recover his costs on appeal. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

D044332 Mae L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D044376 Bryan B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D042963 Utility Consumers' Action Network v. Public Utilities Commission of the State of California/San Diego Gas & Electric Company

PUC decision No. 02-12-064, as modified by PUC decision No. 03-08-072, is affirmed. Respondent and real party in interest are entitled to their costs. (CERTIFIED FOR PUBLICATION). McIntyre, J.; Benke, Acting P.J., Huffman, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 13, 2004

D042702 In re Conservatorship of Ben C.
The petition for rehearing is denied.

Court convened at 9:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices
Judith Haller and James McIntyre
Clerk: D.E. Moore

D042285 People v. LaValley

Cause called on merits. Denise Rudasill, Esq. argued for appellant. Maxine P. Cutler, Deputy Attorney
General argued for respondent. Cause submitted.

D041693 Frese v. Madden et al.

Cause called on merits. William Christopher Pate, Esq. argued for appellant/cross-respondent. Jeffrey S.
Schwartz, Esq. argued for respondent/cross-appellant. Mr. Pate replied. Cause submitted.

D042614 Knaak Family Limited Partnership v. McLean-King

Cause called on merits. No appearance by appellant in pro per. John G. Dickman, Esq. was present in
oral argument for respondent and submitted on the briefs. Cause submitted.

D042873 Minsk v. Kaiser Foundation Hospitals et al.

Cause called on merits. Frank Mario Pitre, Esq. argued for appellant. Brian K. Condon, Esq. argued for
respondent. Mr. Pitre replied. Cause submitted.

Court recessed at 10:13 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate
Justices Terry O'Rourke and Joan Irion
Clerk: D.E. Moore

D041728 People v. Brooks

Cause called on merits. Daniel G. Koryn, Esq. argued for appellant. Roberta L. Davis, Deputy Attorney
General argued for respondent. Mr. Koryn replied. Cause submitted.

D043362 Diehl v. Konoske et al.

Cause called on merits. John L. Staley, Esq. argued for appellant. Brian Worthington, Esq. argued for
respondent. Mr. Staley replied. Cause submitted.

Court recessed at 2:05 p.m. to change panel members. New panel members: The Honorable Richard
Huffman, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 13, 2004

D042059 Huff v. Holman et al.

Cause called on merits. Karen Huff, argued for appellant in pro per. Mr. Spirra replied (Ms. Huff's appeal.) Richard R. Spirra, Esq. argued for appellant. Karen. Huff, argued for respondent/cross-appellant in pro per (Mr. Spirra's appeal.) Mr. Spirra replied. Cause submitted.

Court recessed at 2:34 p.m. to change panel members. New panel members: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D040335 Ebert v. Saake et al.

Cause called on merits. Susan Goldbeck, Esq. argued for appellant. Jocelyn Hannah, Esq. argued for respondent, Hurst. Jeffry A. Miller, Esq. argued for respondent, Saake. Ms. Goldbeck replied. Cause submitted.

Court recessed at 3:25 p.m. until Wednesday, July 14, 2004 at 9 a.m.

D042354 People v. Lopez

The judgment is affirmed. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D042593 Di Pace et al. v. Linsco/Private Ledger Corp.

The petition for rehearing is denied.

D043342 Candido v. Viejas Group of the Capitan Grande Band of Mission Indians et al.

The judgment of dismissal is affirmed. The motion to dismiss is denied. Huffman, J.; We Concur: McConnell, P.J., McIntyre, J.

D043818 In re Hector P. et al., Juveniles

The jurisdictional and dispositional findings and orders are affirmed. The visitation order is reversed and the matter is remanded to the juvenile court for clarification of its order regarding contact between Hector and Father. The court shall specify the conditions to be met before contact may occur. Aaron, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D044573 Beesley v. Superior Court of San Diego County/People

Let a writ issue directing the superior court to vacate its order denying the request for a certificate of probable cause and to issue a new order issuing the certificate of probable cause. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.

D044575 County of San Diego v. Caracaus

Because the appeal is from a non-appealable order, the appeal is dismissed. Appellant's application for a waiver of court fees and costs is denied as moot.

D042070 Mira Mar Mobile Community et al. v. City of Oceanside et al./CH Oceanside

Modification of opinion with no change in judgment.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 14, 2004

D044654 Lieb v. Superior Court of San Diego County/Lieb

The petition is denied.

D043300 In re Louis N., a Juvenile

The judgment is affirmed. Nares, J.; We Concur: Benke, Acting P.J., Haller, J.

D044608 Halbert v. Chupp et al.

The petition is denied.

D044585 In re Paul C. Hamilton on Habeas Corpus

The petition is denied.

D044440 In re Abney on Habeas Corpus

The petition is denied.

D041388 People v. Williams

The judgment is modified by striking the \$10,000 restitution fine under section 1202.45. In all other respects, the judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D044432 Kohler Company v. Superior Court of San Diego County/Ostroff

The petition is denied.

D044527 People v. Lugo

The petition is denied.

Court convened at 9 a.m.

Present: The Honorable Gilbert Nares, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and James McIntyre

Clerk: D.E. Moore

D042542 Dealy v. Fankhauser

Cause called on merits. Thomas E. Polakiewicz, Esq. argued for appellant/cross-respondent. Robert Wright, Esq. argued for respondent/cross-appellant. Mr. Polakiewicz replied. Cause submitted.

D041505 Nevada Lending Corporation v. Fallbrook Golf Club, Inc.

Cause called on merits. Jon R. Williams, Esq. argued for appellant. Greg A. McAtee, Esq. argued for respondent. Mr. McAtee replied. Cause submitted.

D042769 Kassab v. Board of Trustees of the California State University et al.

Cause called on merits. Steve Kassab, argued for appellant in pro per. Susan Westover, Esq. argued for respondent. Mr. Kassab replied. Cause submitted.

Court recessed at 10:04 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 14, 2004 (Continued)

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices
Gilbert Nares and Judith Haller
Clerk: D E Moore

D042939 In re Monaye D., a Juvenile

Cause called on merits. Cristina Gabrielidis, Esq. argued for appellant. Robert Hill, Certified Law Student from Attorney General's office argued for respondent. Ms. Gabrielidis replied. Cause submitted.

**D043922 La Jolla Cove Motel and Hotel Apartments, Inc. v. Superior Court/Jackman,
et al./RPI**

Matter called on merits. Todd R. Gabriel, Esq. argued for appellant. Jason Coberly, Esq. argued for respondent. Mr. Gabriel replied. Cause submitted.

D042416 Lecuyer v. Sunset Trails Apartments, LP et al.

Cause called on merits. Thomas A. Leary, Esq. argued for appellant. David G. Molinari, Esq. argued for respondent. Mr. Leary replied. Cause submitted.

Court recessed at 2:50 p.m. until Thursday, July 15, 2004 at 9 a.m.

D041577 Cattivera v. Wells Fargo Home Mortgage, Inc., et al.

The petition for rehearing is denied.

D043210 Masters v. Glaser

The petition for rehearing is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 15, 2004

D043080 People v. De la Cruz

The petition for rehearing is denied.

D044514 Cheng v. Superior Court of San Diego County/Strata Information Group, Inc., et al.

For good cause shown the Superior Court of the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent objection on or before July 23, 2004, the informal response will be deemed the return to the order to show cause. Petitioner may file a reply on or before July 30, 2004. Oral argument will be deemed waived unless requested on or before July 30, 2004.

D044660 In re Consiglio on Habeas Corpus

The petition is denied without prejudice to refile after consideration by the superior court.

D043595 In re Cherish R., a Juvenile

D044020 In re Cherish R., a Juvenile

D044270 In re Cherish R., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: McConnell, P.J., Nares, J.

D043525 In re K.S., a Minor

The judgment is affirmed. McConnell, P.J.; We Concur: McDonald, J., Irion, J.

Court convened at 9:00 a.m.

Present: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Terry O'Rourke

Clerk: D.E. Moore

D042977 People v. Arellano

Cause called on merits. Matthew Braner, Deputy Public Defender argued for appellant. Certified Law Student, Jeff Ryan, from Attorney General's office argued on behalf of respondent. Cause submitted.

D041736 People v. Williams

Cause called on merits. Cynthia R.Sorman, Esq. argued for appellant. Heather Wells, Deputy Attorney General argued for respondent. Ms. Sorman replied. Cause submitted.

D042531 Holmes v. Ministerios De Amistad, Inc.

Cause called on merits. No appearance by appellant's counsel. Margaret Pitchkolan, Esq. was present in oral argument for respondent, and submitted on the briefs. Cause submitted.

D043311 People v. Smith

Cause called on merits. Mark Devore, Esq. argued for appellant. Lauren Rinsky, Certified Law Student, from Attorney General's office argued for respondent. Melissa Mandel, Deputy Attorney General argued for respondent. Cause submitted.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 15, 2004 (Continued)

D042697 Davis-Hogan et al. v. Abrams et al.

Cause called on merits. Phillip Burkhardt, Esq. was present in oral argument for appellant, but did not argue. Roger Bernhardt, Esq. argued for appellant. Kenneth H. Lounsbery, Esq. argued for respondent. Judith Hartwig, Esq. argued for respondent. Mr. Bernhardt replied. Cause submitted.

Court recessed at 10:24 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Judith Haller and Terry O'Rourke
Clerk: D.E. Moore

D039841 People v. Rountree

Cause called on merits. Robert Wayne Gehring, Esq. argued for appellant. Elizabeth Voorhies, Deputy Attorney General argued for respondent. Mr. Gehring replied. Cause to be submitted at a later date.

Court recessed at 1:56 p.m. until Friday, July 16, 2004 at 9 a.m.

D043365 In re Amber K., a Juvenile

The judgment is affirmed. Irion, J.; We Concur: McConnell, P.J., Huffman, J.

D044658 In re Belmont on Habeas Corpus

The petition is denied without prejudice. The clerk is directed to send a copy of the petition to Belmont's counsel on appeal.

D043410 In re Abygail A., et al. Juveniles

The petition for rehearing is denied.

D041686 Mills et al. v. First Union National Bank of Maryland et al.

The petition for rehearing is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 16, 2004

D044064 Luis G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, Acting P.J.; We Concur; Huffman, J., Haller, J.

D042494 In re Kenyell D., a Juvenile

The matter is remanded to the juvenile court to determine whether the offenses found true are misdemeanors or felonies. In all other respects, the judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Huffman, J.

D042204 Schneider v. County of San Diego

Judgment affirmed. Respondent to recover its costs of appeal. Benke, Acting P.J., We Concur: O'Rourke, J., Irion, J.

D044024 In re Luis B., et al. Juveniles

The appeals are dismissed. Haller, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D043189 SGS Services, Inc. v. Superior Court of San Diego County/Vista Steel Company

Let a writ of mandate issue directing the superior court to vacate the order of July 11, 2003, granting the motion to reinstate and enter an order dismissing the action. The stay issued by this court on November 26, 2003, is vacated. SGS is entitled to recover its costs in the writ proceeding. Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D042431 Grinzi v. San Diego Hospice Corporation

The petition for rehearing is denied.

D043219 In re Peter S., et al. Juveniles

D043580 In re Peter S., et al. Juveniles

(Consolidated cases.) The orders are affirmed. Benke, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D043332 In re Elijah J., et al. Juveniles

The judgment is affirmed. Nares, Acting P.J.; McDonald, J., McIntyre, J.

D043714 In re Nicholas M., a Juvenile

The order is reversed. The trial court is directed to enter a new order determining whether or not telephonic contact between Nicholas and Clyde will occur. Benke, J.; We Concur: McConnell, P.J., Nares, J.

Court convened at 9 a.m.

Present: The Honorable Alex McDonald, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Joan Irion

Clerk: D.E. Moore

D041453 Liu et al. v. West Coast Restaurant Enterprises

Cause called on merits. Mark Scot Bagula, Esq. argued for appellant. Philip H. Dyson, Esq. argued for appellant. Keith L. Meeker, Esq. argued for respondent. Mr. Dyson replied. Cause submitted.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 16, 2004 (Continued)

Court recessed at 9:21 a.m. to change panel members. New panel members: The Honorable Terry O'Rourke, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D041384) Gregovich v. Berger et al.

D042962) Gregovich v. Oswald

Cause called on merits. Nicholas Gregovich, argued for appellant in pro per. Jeffrey S. Doggett, Esq. argued for respondent, Sharp Mesa Vista Hospital. Lisa Cooney, Esq. argued for respondent, Berger. Mr. Gregovich replied. Cause submitted.

D042098 People v. Cohran

Cause called on merits. Alisa A. Shorago, Esq. argued for appellant. Teresa Torreblanca, Deputy Attorney General argued for respondent. Ms. Shorago replied. Cause submitted.

Court recessed at 9:54 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Terry O'Rourke and Cynthia Aaron

D043261 In re Merrick V., et al. Juveniles

Cause called on merits. Sharon Rollo, Esq. argued for appellant. Christopher Blake, Esq. argued for Merrick and Morrigan. Robert W. Gehring, Esq. argued for James V. Caitlin Rae, Deputy County Counsel argued for respondent. Ms. Rollo replied. Cause submitted.

Court recessed at 10:37 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Alex McDonald and Cynthia Aaron

D041927 Hector et al. v. Trieu

Cause called on merits. Bernard R. Lafer, Esq. argued for appellant. David A. Kay, Esq. argued for respondent. Mr. Lafer replied. Cause submitted.

Court recessed at 11:05 a.m. until 1:30 p.m.

Court reconvened at 1:30 p.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice and The Honorable Associate Justices Judith Haller and James McIntyre

D042462 People v. Cohen

Cause called on merits. Russell S. Babcock, Esq. argued for appellant. Tami Hennick, Deputy Attorney General argued for respondent. Mr. Babcock replied. Cause submitted.

Court adjourned at 1:40 p.m.

D043069 Wilson v. City of San Diego et al.

The judgment is affirmed. The City is to recover its costs of appeal. Huffman, J.; We Concur: Benke, Acting P.J., McDonald, J.

D041452 People v. Mullens

Order modifying opinion and denying rehearing. (No Change in Judgment)

FOURTH APPELLATE DISTRICT
DIVISION ONE
JULY 16, 2004 (Continued)

D044434 Roshella M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely amended petition for writ relief, the notice of intent is deemed to be abandoned. The case is dismissed.

D044265 Ginny B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Real Party in Interest's motion to dismiss rule 39.1B writ petition as moot is GRANTED. Petitioners Notice of Intent filed May 4, 2004 is dismissed.

D044678 In re Mekeala T., a Juvenile

Appellant purports to appeal from a dispositional hearing that occurred on June 24, 2004, at which the court made no dispositional findings or orders. Because there is no appealable judgment or order, the appeal is dismissed.